

AGENDA ITEM # _____
DATE: _____
COAC NUMBER: 03-1932 Board
of Appeals.doc

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

**SUBJECT: Building, Fire Property
Maintenance Board of Appeals**

**STAFF PRESENTER: Steve Burger
COMPANY
CONTACT: N/A**

RECOMMENDATION:

1. Council to reappoint Paul Horne, Edwin Peck, Chuck Sullivan, David Ellis and John Kreger to serve on the Fire/Building/Property Maintenance Code Appeals Board for two-year terms expiring on December 31, 2005 or until they are replaced or reappointed.
2. Council to reappoint Fred Thonen to act as alternate in the event one or more Board members are unable to attend a scheduled meeting, also for a two-year term expiring on December 31, 2005 or until he is replaced or reappointed.

COMMUNITY BENEFIT:

Allowing property owners, design professionals and contractors due process and to be able to appeal the technical interpretation of a City fire, building or code compliance official increases the ability to conduct fair, consistent and uniform enforcement of the City's construction, fire and property maintenance codes.

DISCUSSION:

The International Building Code, the International Fire Code and the International Property Maintenance Code adopted by the City all require that there be a Board of Appeals to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of the Building, Fire and Property Maintenance Codes.

In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official, the Chief Building Official and/or the Code Compliance Manager relative to the application and interpretations of the codes (fire, building, electrical, plumbing, mechanical, property maintenance), there shall be a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction, building service equipment, fire protection systems and property maintenance and who are not employees of the jurisdiction. Members are not required to be residents of the city.

Depending on the type of appeal, the Fire Code Official, Chief Building Official or Code Compliance Manager shall be ex officio members but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the Mayor and City Council of Goodyear and shall hold office at its pleasure. The Board shall

adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official, Chief Building Official or Code Compliance Manager.

The Board shall have no authority relative to interpretations of the administrative provisions of the codes or the administrative provisions of the technical codes nor shall the Board be empowered to waive requirements of either the administrative code or technical codes. Adopted codes establish that the Chairperson of the Board shall designate a qualified person to serve as Secretary to the Board. Due to the necessity of a continuing point of contact and at the recommendation of the Board, a Secretary to the Board shall be so designated and will be a City employee not directly affiliated with the specific codes being heard or ruled on by the Board and shall not be an ex officio member.

All of the above-listed individuals have been contacted and have indicated that they wish to be reappointed to the Board. They each have a construction or fire safety related background. Mr. Kreger who owns J. E. Kreger Plumbing has been on the Appeals Board for many years. Mr. Ellis was appointed in 1997 and is a professional electrical engineer. Mr. Horne, a resident of Estrella Mountain Ranch and teaches safety courses for the construction industry. Mr. Peck, is a licensed Goodyear custom homebuilder and owner of Edwin H. Peck Construction in Waddell. Mr. Sullivan, a resident of Goodyear, is the owner of Trinity Fire Protection located in Goodyear. Mr. Thonen, a citizen of Goodyear, has served as an alternate member during 2003. He is a master electrician with knowledge in other building, fire and zoning codes as well.

<p style="text-align: center;">CITY OF GOODYEAR FIRE / BUILDING / PROPERTY MAINTENANCE APPEALS BOARD</p>
--

Name/Business	Address	Phone	Term Expiration
Paul Horne	17528 W. Canyon Lane Goodyear, AZ 85338	(W) 623-979-1111	12-31-05
John Kreger J. E. Kreger Plumbing	7135 N. 175 th Ave. Waddell, AZ 85355	(W) 623-842-4200	12-31-05
David Ellis	203 Alegre Drive Litchfield Park, AZ 85340	(W) 623-935-9367	12-31-05
Edwin Peck Edwin H. Peck Construction	6402 N. 183 rd Avenue Waddell, AZ 85355	(W) 602-228-5660	12-31-05
Chuck Sullivan Trinity Fire Protection	P. O. Box 5096 Goodyear, AZ 85338	(W) 623-327-0476	12-31-05
Fred Thonen (Alternate)	404 N. 161 st Avenue, Goodyear, AZ 85338	(H) 623-932 3767	12-31-05

FISCAL IMPACT

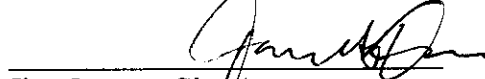
N/A

Fiscal impact needs to reflect the O & M cost of action (Operation and Maintenance).

REVIEWED BY:



Grant Anderson – Deputy City Manager



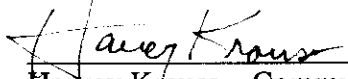
Jim Oeser – City Attorney



Larry Price – Finance Director

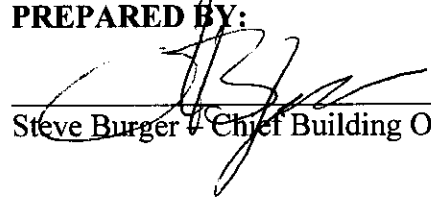


Stephen Cleveland – City Manager



Harvey Krauss – Community Development Director

PREPARED BY:



Steve Burger – Chief Building Official